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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY:_____

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KEVIN WILSON Plaintiff, vs. J.P. ALLEN COMPANY DBA HOLIDAY INN BURBANK-MEDIA CENTER a California Corporation; and DOES 1 through 10, inclusive. DEFENDANTS	CASE NO.: CV 13-7946 CAS (MRWx) **1ST AMENDED COMPLIANT** JURY TRIAL DEMANDED Assigned to U.S. District Judge Christina A. Snyder, Courtroom 5 Compliant Filed on June 19, 2013 Discovery Cutoff: None Set Motion Cutoff: None Set Trial Date: None Set

1ST AMENDED COMPLIANT

Plaintiff, Kevin Wilson, alleges as follows:

A person of the full age of majority and resident of the State of Louisiana represents that:

I.

Made defendants herein are:

1   a)   J.P. Allen Company dba Holiday Inn Burbank-Media Center, under information

2   and belief, a business entity incorporated in the State of California and doing business as the

3   Holiday Inn Burbank-Media Center; and,

4   <center>II.</center>

5   This Court has jurisdiction over this matter under 28 U.S.C.S. 1332 because the parties

6   are citizens of different states and the amount in controversy exceeds $75,000.00.

7   <center>III.</center>

8   On or about February 11, 2012, the, Plaintiff, Kevin Wilson exited the Holiday Inn

9   Burbank-Media Center heading to the airport shuttle.

10   <center>IV.</center>

11   While proceeding to the shuttle, Kevin Wilson fell as a result of an unmarked drop in

12   elevation in front of the entrance to the hotel on the hotel property.

13   <center>V.</center>

14   The accident, as well as the injuries which resulted was a direct and proximate result of

15   the negligent employees of J.P. Allen Company and/or J.P. Allen Company, which includes, but

16   is not limited to the following actions:

17   a)   Failure to properly mark and distinguish the change in elevation;

18   b)   Effectively camouflaging the elevation drop;

19   c)   Failure to do what should have been done and failing to see what should have

20   been seen in order to have avoided the occurrence of the incident made the basis of these

21   proceedings;

22   d)   Failure to properly maintain the area in front of the hotel where the incident

23   occurred;

24   e)   Failure to manage the property in a prudent manner;

25   f)   Failure to exercise due caution under the circumstances; and,

26   g)   Any and all other acts of negligence and liability, which shall be shown at the

27   time of trial.

28   <center>VI.</center>

<center>1ˢᵗ AMENDED COMPLIANT</center>
<center>2</center>

1   Plaintiff itemizes his damages as follows:

2   a)   Pain and suffering, both physical and mental/emotional: past, present and future;

3   b)   Bodily disability: past, present and future;

4   c)   Loss of use/function of parts of body: past, present and future;

5   d)   Impairment of psychological functioning: past, present and future;

6   e)   Loss of enjoyment of life: past, present and future;

7   f)   Medical expenses: past, present and future;

8   g)   Lost wages: past, present and future;

9   h)   Disability from working to earn an income: past, present and future;

10   i)   Destruction of earning capacity: past, present and future; and,

11   j)   Disability from engaging in recreation: past, present and future;

12   Plaintiff maintains that he is entitled to all such damages as are reasonable in the

13   premises, in accordance with California law.

14   VII.

15   At all times pertinent hereto, J.P. Allen Company owned and managed the Holiday Inn

16   Burbank-Media Center where the accident occurred.

17   VIII.

18   J.P. Allen Company is liable for the actions of its employees under the doctrine of

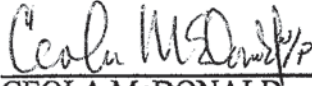19   respondeat superior and vicarious liability.

20   IX.

21   Plaintiff desires and is entitled to a trial by jury.

22   WHEREFORE, plaintiff prays that:

23   a)   After due proceedings be had, there be Judgment in plaintiffs' favor and against

24   defendants as are reasonable in the premises in accordance with the provisions of the law;

25   b)   Plaintiff be granted a trial by jury; and,

26   c)   Plaintiff is granted all other legal and general relief as the nature of this case may

27   permit.

28   Respectfully submitted,

DATED: January 24, 2014

CEOLA McDONALD
Attorney for PLAINTIFF